

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-81142-CIV-CANNON

LINDSAY GRIMM,

Plaintiff,

v.

IMAGINE NATION COMPANY, INC.

a/k/a ISLE OF WONDER, LLC, and

DAVID SETH KOTKIN

a/k/a DAVID COPPERFIELD,

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 27]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Defendants' Motion to Dismiss (the "Report"), issued on May 17, 2024 [ECF No. 27]. The Report recommends that the Court grant in part and deny in part Defendants' Motion to Dismiss Plaintiff's Amended Complaint [ECF No. 19 (seeking dismissal ECF No. 18)]. Objections to the Report were due on May 30, 2024 [ECF No. 27 p. 16]. Plaintiff [ECF No. 28] and Defendants [ECF No. 29] thereafter filed notices of no objection to the Report.

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report,

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the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no error of law or fact in the well-reasoned Report. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 21] is **ACCEPTED**.
2. Defendant's Motion to Dismiss [ECF No. 15] is **GRANTED IN PART AND DENIED IN PART** as stated in the Report.
3. Counts I and IV are **DISMISSED** for lack of personal jurisdiction over Defendants.
4. Counts II and III may proceed in this action.
5. On or before **June 12, 2024**, Defendants shall file an Answer to Counts II and III in Plaintiff's Amended Complaint.
6. The Clerk is directed to **REOPEN** this case.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 28th day of May 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record